

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:04CR92**

**UNITED STATES OF AMERICA**

**VS.**

**JEREMY LUJAN AIKEN**  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's motion to alter or amend a judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure or, in the alternative, motion for reconsideration.

On July 31, 2009, this Court denied the Defendant's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the recent Amendment to the Sentencing Guidelines with regard to crack cocaine offenses. **See Order, filed July 31, 2009.** The Court based its decision on the fact that the Guideline Amendment has no impact on the Defendant's guideline calculations or sentencing range due to the fact that he is classified as a Career Offender. ***Id.*** There is nothing in Defendant's instant motion that would amend this classification.

**IT IS, THEREFORE, ORDERED** that Defendant's motion to alter or amend a judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure or, in the alternative, motion for reconsideration is hereby **DENIED.**

Signed: August 27, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

